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United States of America
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IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,
12 Plaintiff,
13 v.
14 CLAYTON HOWARD,
15 Defendant.

CASE NO. 2:20-CR-00090-MCE
STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
ORDER
DATE: October 14, 2021
TIME: 10:00 a.m.
COURT: Hon. Morrison C. England, Jr.

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17 STIPULATION

18 Plaintiff United States of America, by and through its counsel of record, and defendant, by and
19 through defendant's counsel of record, hereby stipulate as follows:

20 1. By previous order, this matter was set for status on October 14, 2021.
21 2. By this stipulation, defendant now moves to continue the status conference until
22 December 2, 2021, and to exclude time between October 14, 2021, and December 2, 2021, under Local
23 Code T4.

24 3. The parties agree and stipulate, and request that the Court find the following:

25 a) The government has represented that the discovery associated with this case
26 includes photographs and reports. All of this discovery has been either produced directly to
27 counsel and/or made available for inspection and copying.

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1 b) Counsel for defendant desires additional time conduct independent factual
2 investigation, review the physical evidence, conduct legal research into trial and sentencing
3 issues, confer with his client regarding trial strategy and resolution options, and otherwise
4 prepare for trial.

5 c) Counsel for defendant believes that failure to grant the above-requested
6 continuance would deny him/her the reasonable time necessary for effective preparation, taking
7 into account the exercise of due diligence.

8 d) The government does not object to the continuance.

9 e) Based on the above-stated findings, the ends of justice served by continuing the
10 case as requested outweigh the interest of the public and the defendant in a trial within the
11 original date prescribed by the Speedy Trial Act.

12 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
13 et seq., within which trial must commence, the time period of October 14, 2021 to December 2,
14 2021, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code
15 T4] because it results from a continuance granted by the Court at defendant's request on the basis
16 of the Court's finding that the ends of justice served by taking such action outweigh the best
17 interest of the public and the defendant in a speedy trial.

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1 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
2 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
3 must commence.

4 IT IS SO STIPULATED.

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6 Dated: October 19, 2021

PHILLIP A. TALBERT
Acting United States Attorney

7 _____
8 /s/ CAMERON L. DESMOND
9 CAMERON L. DESMOND
10 Assistant United States Attorney

11 Dated: October 19, 2021

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13 /s/ Todd Leras
14 Todd Leras
15 Counsel for Defendant
16 CLAYTON HOWARD

17 **ORDER**

18 IT IS SO ORDERED.

19 Dated: October 28, 2021

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21 MORRISON C. ENGLAND, JR.
22 SENIOR UNITED STATES DISTRICT JUDGE